THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22895 of 2006

17.1.2007

Between:

Vani Shetty Jai Shankar, S/o.Rajaiah
And others

… Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Panchayat Raj Department, Secretariat, Hyderabad
An others

… Respondents

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WRIT PETITION No.22895 of 2006

ORDER:

The four petitioners are residents of Parkal Town. They are owners of houses bearing Nos.2-311 to 2-315. On 24.10.2006, when the second respondent conducted survey and measured the area for the purpose of widening the road, apprehending that they might face forcible demolition, the present writ petition is filed seeking appropriate directions to the respondents.

At the stage of admission itself, second respondent filed counter affidavit. *Inter alia* it is stated that the petitioners encroached upon the road margin and therefore the Mandal Revenue Officer (MRO), Parkal Mandal – fifth respondent herein; issued notice under Section 7 of A.P. Land Encroachment Act, 1908 (the Act, for brevity) to the petitioners on 09.11.2006. It is also alleged that the petitioners received the same on 10.11.2006 and the enquiry before the MRO is pending.

Learned Counsel for the petitioners does not dispute receipt of notice under Section 7 of the Act. He also submits that the petitioners have submitted explanations. Therefore, the MRO may consider the explanations submitted by the petitioners and pass appropriate orders as to whether the petitioners' encroachment of the road margin is objectionable or not. Till such orders are passed, the petitioners cannot be evicted forcibly.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

January 17, 2007.

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